

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5535

A bill to authorize the secretary of state to issue enhanced driver licenses and state personal identification cards to United States citizens who reside in Michigan to facilitate travel between the United States and Canada; to establish certain funds and prescribe duties for certain officials; and to prohibit certain conduct and prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "enhanced driver license and enhanced official state personal
3 identification card act".

4 Sec. 2. As used in this act:

5 (a) "Enhanced driver license" means an operator's or
6 chauffeur's license issued to an individual under this act for the

1 following purposes:

2 (i) Use in entering the United States at land and sea ports.

3 (ii) Use in the same manner as a standard driver license.

4 (b) "Enhanced official state personal identification card"

5 means an official state personal identification card issued under

6 this act to an individual who is a United States citizen who

7 resides in this state for the following purposes:

8 (i) Use in entering the United States at land and sea ports.

9 (ii) Use in the same manner as a standard official state
10 personal identification card.

11 (c) "Local government agency" means a county, city, village,
12 or township in this state.

13 (d) "Resident" means every person who resides in this state
14 and establishes that he or she is legally present in the United
15 States. This definition applies to the provisions of this act only.

16 (e) "Resident address" means the place that is a person's
17 legal residence as that term is defined in section 11 of the
18 Michigan election law, 1954 PA 116, MCL 168.11.

19 (f) "Standard driver license" means an operator's license or
20 chauffeur's license issued under the Michigan vehicle code, 1949 PA
21 300, MCL 257.1 to 257.923.

22 (g) "Standard official state personal identification card"
23 means an official state personal identification card issued under
24 1972 PA 222, MCL 28.291 to 28.300.

25 Sec. 3. (1) The secretary of state with the approval of the
26 state administrative board created under 1921 PA 2, MCL 17.1 to
27 17.3, may enter into a memorandum of understanding with any federal

1 agency for the purpose of obtaining approval of an enhanced driver
2 license or enhanced official state personal identification card as
3 proof of identity and citizenship for persons entering the United
4 States at land and sea ports.

5 (2) In conjunction with a federal agency and with the approval
6 of the state administrative board created under 1921 PA 2, MCL 17.1
7 to 17.3, the secretary of state may enter into an agreement with
8 the United Mexican States, Canada, or a Canadian province for the
9 purpose of implementing a border-crossing initiative.

10 Sec. 4. (1) The secretary of state may issue an enhanced
11 driver's license or enhanced official state personal identification
12 card to an applicant who provides satisfactory proof of his or her
13 full legal name, United States citizenship, identity, date of
14 birth, social security number, residence address, and a
15 photographic identity document. An applicant may choose to apply
16 for a standard driver license or standard official state personal
17 identification card or an enhanced driver license or enhanced state
18 personal identification card.

19 (2) An enhanced driver license or enhanced official state
20 personal identification card shall include reasonable security
21 measures to protect against unauthorized disclosure of personal
22 information regarding residents of this state that is contained in
23 the enhanced driver license or enhanced official state personal
24 identification card.

25 (3) An enhanced driver license or enhanced official state
26 personal identification card may include radio frequency
27 identification technology that is limited to a randomly assigned

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1 number <<which shall be encrypted if agreed to by the department of
homeland security,>> and does not include biometric data. The secretary
of state

2 shall ensure that the radio frequency identification technology is
3 secure from unauthorized data access and includes reasonable
4 security measures to protect against unauthorized disclosure of
5 personal information. An applicant shall be required to sign a
6 declaration acknowledging his or her understanding of the radio
7 frequency identification technology before he or she is issued an
8 enhanced driver license or enhanced official state personal
9 identification card.

10 (4) The requirements of this act are in addition to the
11 requirements otherwise imposed on individuals who apply for a
12 standard driver license or standard official state personal
13 identification card.

14 (5) The holder of an enhanced driver license issued under this
15 act is subject to every licensing sanction provided under the
16 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. As used
17 in this subsection, "licensing sanction" means the restriction,
18 suspension, revocation, or denial of a driver license; the addition
19 of points to a driving record; the assessment of a driver
20 responsibility fee; the assessment of a civil fine or criminal
21 penalty resulting from a conviction; a civil infraction
22 determination; the imposition of probationary terms and conditions;
23 or any other penalty provided under the Michigan vehicle code, 1949
24 PA 300, MCL 257.1 to 257.923.

25 Sec. 5. (1) An applicant who chooses to apply for an enhanced
26 driver license or enhanced official state personal identification
27 card shall provide all of the following items to the secretary of

1 state in the manner prescribed by the secretary of state:

2 (a) A completed application indicating the applicant's full
3 legal name, any legal name change resulting from the applicant's
4 adoption, marriage, divorce, or a court order, date of birth,
5 residence address, height, gender, eye color, social security
6 number, signature, and, if applicable, the applicant's intention to
7 be an organ donor as provided under section 307 of the Michigan
8 vehicle code, 1949 PA 300, MCL 257.307, or section 2 of 1972 PA
9 222, MCL 28.292.

10 (b) Documentation demonstrating the applicant's United States
11 citizenship, full legal name, any legal name change resulting from
12 the applicant's adoption, marriage, divorce, or a court order, date
13 of birth, residence address, and social security number.

14 (c) The applicant's signed certification that the information
15 presented by the applicant is true and correct to the best of the
16 applicant's knowledge.

17 (d) The fee prescribed under section 6.

18 (2) An applicant who applies for an enhanced driver license or
19 enhanced official state personal identification card shall have his
20 or her facial image and signature captured or reproduced by the
21 secretary of state at the time of application. A person's facial
22 image or signature may be made available by this state and used as
23 follows:

24 (a) By a federal, state, or local government agency for any
25 law enforcement purpose authorized by law.

26 (b) By another state to the extent required by federal law.

27 (c) By the secretary of state for any purpose specifically

1 authorized by law.

2 (d) For any other purpose as determined by the secretary of
3 state, if a person provides his or her written authorization for
4 the release of his or her own facial image or signature.

5 (e) As otherwise required by law.

6 (3) Except as otherwise provided under subsection (2), the
7 secretary of state shall not disclose a person's facial image,
8 signature, social security number, or copies or digital images of
9 documents retained under this act.

10 (4) An enhanced driver license or enhanced official state
11 personal identification card issued under this act shall not
12 display a person's social security number on the face of the card.

13 (5) The secretary of state shall examine and verify the
14 genuineness, regularity, and legality of every application and
15 other documentation submitted to the secretary of state for an
16 enhanced driver license or enhanced official state personal
17 identification card, and may in all cases investigate as the
18 secretary of state considers necessary or require additional
19 information, and shall reject any application if not satisfied of
20 the genuineness, regularity, and legality of the application or
21 supporting documentation or the truth of any statement contained in
22 the application or supporting documentation, or for any other
23 reason authorized by law. A decision by the secretary of state to
24 reject an application under this subsection may be appealed under
25 section 631 of the revised judicature act of 1961, 1961 PA 236, MCL
26 600.631.

27 (6) The secretary of state shall retain copies or digital

1 images of documents provided by the applicant to the secretary of
2 state under this act.

3 (7) The facial image of an applicant for a license or card
4 under this act who was not issued an enhanced driver license or
5 enhanced official state personal identification card shall be
6 retained for not less than 1 year, unless fraud is suspected, in
7 which case a record containing the applicant's facial image and the
8 reason for denial shall be retained for not less than 10 years.

9 (8) The secretary of state may disclose digital images of
10 documents retained under this act to a federal, state, or local
11 government agency for any law enforcement purpose authorized by
12 law. Except as otherwise provided in this act, copies or digital
13 images of documents retained under this act are exempt from
14 disclosure under the freedom of information act, 1976 PA 442, MCL
15 15.231 to 15.246.

16 (9) The secretary of state shall not compile or maintain a
17 database under this act that may be shared with a country other
18 than the United States.

19 Sec. 6. (1) An application for an original enhanced driver
20 license or enhanced official state personal identification card
21 shall be accompanied by payment of a fee of not more than \$50.00.

22 (2) The renewal fee for an enhanced driver license or enhanced
23 official state personal identification card renewed under this act
24 shall be not more than \$50.00. However, if an enhanced driver
25 license or enhanced official state personal identification card is
26 expired at the time of renewal, the fee shall be the same as the
27 fee provided under subsection (1).

1 (3) Money from fees collected under subsections (1) and (2)
2 shall be deposited into the enhanced driver license and enhanced
3 official state personal identification card fund created in section
4 7 after distribution as follows:

5 (a) The secretary of state shall refund to each county or
6 municipality acting as an examining officer or examining bureau
7 \$2.50 for each applicant examined for an original enhanced driver
8 license, if the application is not denied and the money refunded is
9 paid to the county or local treasurer and is appropriated to the
10 county, municipality, or officer or bureau receiving the money for
11 the purpose of carrying out this act.

12 (b) The state treasurer shall deposit the sum of \$4.00 to the
13 traffic law enforcement and safety fund created in section 819a of
14 the Michigan vehicle code, 1949 PA 300, MCL 257.819a, for each
15 person examined for an original enhanced driver license.

16 (c) Except as otherwise provided in subdivision (d), \$4.50 of
17 an original enhanced driver license and \$6.00 of a renewal enhanced
18 driver license shall be appropriated to the transportation economic
19 development fund established in section 2 of 1987 PA 231, MCL
20 247.902, and shall not be appropriated for any other purpose in any
21 act making appropriations of state funds.

22 (d) Notwithstanding subdivision (c), \$2,500,000.00 shall be
23 deposited in the state treasury and credited to the general fund,
24 except not more than \$1,000,000.00 shall be credited to the
25 gasoline inspection and testing fund created under section 8 of the
26 motor fuels quality act, 1984 PA 44, MCL 290.648.

27 (e) The money remaining after distributions are made under

1 subdivisions (a) through (d) shall remain in the enhanced driver
2 license and enhanced official state personal identification card
3 fund created under section 7.

4 (4) A fee paid under this section is nonrefundable, except for
5 administrative error.

6 Sec. 7. (1) The enhanced driver license and enhanced official
7 state personal identification card fund is created within the state
8 treasury.

9 (2) The state treasurer may receive money or other assets from
10 any source for deposit into the fund. The state treasurer shall
11 direct the investment of the fund.

12 (3) Money in the fund at the close of the fiscal year shall
13 remain in the fund and shall not lapse to the general fund.

14 (4) The secretary of state shall be the administrator of the
15 fund for auditing purposes.

16 (5) The secretary of state shall expend money from the fund,
17 upon appropriation, to pay the necessary expenses incurred by the
18 secretary of state in the administration and enforcement of this
19 act.

20 Sec. 8. A person who makes a false certification or statement
21 in applying for an enhanced driver license or enhanced official
22 state personal identification card is guilty of a felony punishable
23 by imprisonment for not more than 5 years or a fine of not more
24 than \$5,000.00, or both.